HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

WRIT PETITION No. 20165 OF 1999

Dated 28-12-2005

Between :

1. Ranga Reddy, son of Ramreddy, aged 45 years, Occupation : Agriculture, resident of Bhakthimalla village, Kosgi Mandal, Mahabubnagar District and others.

….Petitioners.

And:

1. The District Revenue Officer, Mahabubnagar District at Mahabubnagar and others.

…Respondents.

ORDER :

This writ petition has been filed by the petitioners who are three in number with a prayer to call for records in case No.D1/B8/24/1990 (D1/B8/17/95) on the file of the District Revenue Officer, Mahabubnagar-1st respondent and quash the order dated 31-7-1999 passed therein..

2. The petitioners claim that they are the owners of Ac.09.18 guntas comprising Survey No.135 and Ac.06.25 guntas comprising survey No.139 of Bhakthimalla village of Kosgi Mandal, Mahabubnagar District. The respondents 2 and 3 herein claiming to be the owners and possessors of Ac.09-18 guntas comprising S.No.135 filed application before the District Revenue Officer, Mahabubnagar-1st respondent under the provisions of Regulation 15 (2) of the A.P. (Telangana Area) Record of Rights in Land Regulations 1358 Fasli for correction of the entries in the revenue

record from the year 1961-62 onwards. The petitioners filed objections resisting the application of respondents 2 and 3. The District Revenue Officer by an order dated 31-07-1999 allowed the application of the respondents 2 and 3 and ordered for rectification of the entries in their favour. Assailing the order, the petitioners have approached this Court by invoking jurisdiction of this court under Article 226 of the Constitution of India.

3. 3rd respondent has filed counter-affidavit.

4. Heard learned counsel for the petitioners, the learned Government Pleader for Revenue appearing for the 1st respondent and learned counsel appearing for the 3rd respondent.

5. Learned counsel for the petitioners submits that as on the date of the respondents 2 and 3 filing the application under section Regulation 15 (2) of the A.P. (Telangana Area) Record of Rights in Land Regulations 1358 Fasli, those regulations were not in force being repelled by section 13 of the A. P. Rights in Land and Pattadar Pass Books Act, 1971. He refers section 13 of the said Act in support of his submission apart from placing reliance on the decisions of this Court in (1) Mangali Buchanna Vs. The Additional Collector, Mahaboobnagar and another (W.P.Nos.4942 and 5132 of 1975 dated 3-8-1977), (2) Shangela Narasaiah and another Vs. The District Revenue Officer and others (W.P. No.16203 of 1991 dated 14-7-1994), (3) S. Chennaih and another Vs. Jagan Srinivas and others (W.P.No.9340 of 1991 dated 21-2-1977), (4) S.Kishan Rao and others Vs. The Diistrict Revenue Officer and another (W.P.1363 of 1999 dated 23-6-2004).

6. It is not in dispute that A.P.(Telengana Area) Record of Rights in Land Regulation, 1358 Fasli have been stood repealed consequent on coming into force of the Andhra Pradesh Records of Rights in land Act, 1971. Therefore, the very filing of the application by the respondents 2 and 3 by invoking the provisions of repealed Act is not legal and proper. This issue came to be for consideration in the judgments cited by the learned counsel for the petitioners. It is suffice to refer the order passed in W.P.No.1363 of 1999 and it is as follows:

> "In the above referred judgments, this Court has taken the view that in view of repeal of A.P. (Telangana Area) Record of Rights in Land Regulations 1358 Fasli, after enforcement of A.P. Rights in Land & Pattadar Pass Book Act, 1971, the application is not maintainable and the order passed under A.P. (Telangana Area) Record of Rights in Land Regulations, 1358 Fasli is

without jurisdiction."

7. In view of the settled position of law, the order dated 31-7-1999 passed by the District Revenue Officer in case No.D1/B8/24/1990 (D1/B8/17/95) in exercising powers under the provisions of Repealed Act is not legal and proper and accordingly, the same is hereby quashed.

8. Accordingly, the writ petition is allowed. No costs.

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Justice B.SESHASAYANA REDDY

Date : 28th December, 2005.

Dvs

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